13. CODY METZGER V. CRYSTAL SCHMEHL

PFL20190072

Respondent filed a Request for Order (RFO) requesting changes to the standing child custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on November 2nd and a hearing on the RFO was set for December 15th. According to the Proof of Service on file, the RFO, CCRC referral and other required documents were served on October 6th, however, due to a postal error, Petitioner was not served until November 14th. Petitioner requested to continue the hearing date and asked for a re-referral to CCRC, which the court granted and the matter was re-set to be heard on the present date.

By way of her RFO, Respondent is requesting sole legal custody and joint physical custody of the minor child. She asks that Petitioner have parenting time on the first, second, and forth weekend of each month from Friday after school until Monday before school. In addition, she request the following orders: (1) All exchanges that do not occur at school to take place at the El Dorado County Sheriff's Office; (2) Neither parent to travel with the child more than 100 miles from Placerville, CA or outside the state of CA without the prior written permission of the other party or the court; (3) The implementation of her proposed holiday schedule; (4) Respect Guidelines put in place and prohibition from either party discussing the court proceedings with the child or using him as a messenger; (5) Notifications regarding changes in address or proposed move of the child; (6) Child care provisions and a right of first option for child care; (7) Phone contact provisions; (8) Alcohol, substance abuse and cigarette and marijuana provisions; (8) the requirement of a log book; and (9) the requirement that each party maintain clothing for the child.

The parties attended CCRC on December 15, 2022 and reached agreements regarding legal custody, parenting time, a holiday schedule, transportation, communication, co-parenting counseling, phone contact and individual counseling. In addition to the agreements, the CCRC counselor made recommendations regarding travel and vacations, right of first option, a proposed move of the child, respect guidelines, clothing and belongings, parenting course by Petitioner and individual therapy by Respondent, and transportation of the minor. A report was prepared by the CCRC counselor on December 23, 2022 and mailed to the parties on December 27th.

Petitioner filed his Responsive Declaration to Request for Order on January 27, 2023. It was served via U.S. mail the same day. Service was not in compliance with Civil Procedure Section 1005(c) and therefore the court has not considered this document.

On January 31st, Respondent filed and served a reply to Petitioner's responsive declaration as well as a declaration in response to the CCRC report. Both declarations were mail served on January 31, 2023.

On February 9, 2023, parties appeared for the hearing and stipulated to a re-referral to Child Custody Recommending Counseling (CCRC) on the sole issue of coparenting versus parallel parenting. The court referred the parties for an appointment on February 17, 2023 and a further review hearing on April 13, 2023. The court stayed the tentative ruling pending the further review hearing date and reserved jurisdiction on the issues presented in the RFO.

Both parties attended CCRC on February 17, 2023 and were able to reach a full agreement. A report with the agreement was filed with the court on February 21, 2023. Copies were mailed to the parties on February 23, 2023.

Petitioner filed a Supplemental Declaration on April 3, 2023. Respondent was served electronically and by mail on April 3, 2023. Petitioner states in his declaration he does not believe the parties can successfully co-parent. He requests several modifications to the recommendations of the CCRC report.

Respondent filed a Supplemental Declaration on April 4, 2023, which the court notes is untimely, and therefore, has not considered it. It was personally served on Petitioner on April 4, 2023.

The court has reviewed the aforementioned filings and finds that the agreements and recommendations as stated in the December 23, 2022 and February 23, 2023, CCRC report to be in the best interest of the minor and hereby adopts them as the orders of the court.

It is apparent from the filings that Petitioner has not fully complied with his child support obligations. The court strongly admonishes Petitioner to fully and timely pay all child support, as ordered by the court.

All prior orders not in conflict with this order are to remain in full force and effect. Failure of either party to comply with any court orders may be grounds for reconsideration of the custody and visitation schedule. Respondent is to prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #13: THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS IN THE DECEMBER 23, 2022 CCRC REPORT AND THE FEBRUARY 23, 2023 CCRC REPORT AS THE ORDERS OF THE COURT. PETITIONER IS STRONGLY ADMONISHED TO FULLY AND TIMELY PAY ALL CHILD SUPPORT AS ORDERED BY THE COURT. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER ARE TO REMAIN IN FULL FORCE AND EFFECT. FAILURE OF EITHER PARTY TO COMPLY WITH ANY COURT ORDERS MAY BE GROUNDS FOR RECONSIDERATION OF THE CUSTODY AND VISITATION SCHEDULE. RESPONDENT IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

14. ERIN DUCHENE V. STEPHEN DENTON

22FL1014

Respondent filed a Request for Order (RFO) on February 21, 2023, requesting a change in venue. Respondent states all parties currently reside in Placer County. Petitioner was personally served on March 2, 2023.

Petitioner has not filed a Responsive Declaration.

The court notes Respondent's Declaration provides the court with scant information about either party. Respondent's information in the caption of the pleadings is a Post Office Box in the unincorporated community of Bowman, which is in Placer County. Petitioner was served at an address in Roseville, which is in Placer County, and appears to have resided in Placer County throughout the pendency of this case.

The court has one outstanding issue to resolve prior to being able to transfer the matter to Placer County. Therefore, parties are ordered to appear for the hearing.

TENTATIVE RULING #14: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

16. JILL KELLY V. MASON KELLY

PFL20160736

Petitioner filed an ex parte request for order on January 20, 2023 requesting the court make emergency orders as to child custody, parenting time, to stop retirement funds from being released as well as other orders. On January 24, 2023, the court denied the request. Petitioner filed a Request for Order (RFO) on January 24, 2023 making the same requests as set forth in the ex parte request. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 22, 2023 and a review hearing on April 13, 2023. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO or referral to CCRC.

Only Petitioner appeared for CCRC on February 22, 2023. As such, a single parent CCRC report was filed on March 21, 2023. A copy of the report was mailed to the parties on March 23, 2023.

The court drops the matter from calendar due to the lack of proper service.

TENTATIVE RULING #16: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

17. JORDANA WEBER V. JASON TORRES

SFL20190173

Parties appeared for a hearing on March 16, 2023 to update the court on the progress on Respondent's visitation with the minor. The court continued the matter for a further hearing on Respondent's visitation and whether the visits can be liberalized.

Minor's Counsel filed a Statement of Issues and Contentions and Request for Orders on April 5, 2023. The court notes this is less than 10 days prior to the hearing. Parties were served by mail and electronically on April 4, 2023. Minor's Counsel has had the opportunity to observe two visits between the minor and Respondent. Respondent has been appropriate at each visit. However, the minor does appear to be experiencing some difficulties during the visitation. Minor's Counsel opines this could be the result of a myriad of reasons. It is therefore her request that Respondent and the minor participate in a "visit" or "visits" under the supervision of the minor's therapist, Jana Wellman, who has offered to provide this service. On the weeks that the therapist is unavailable to provide supervision, Minor's Counsel requests Respondent continue to participate in Zoom or in person visitation.

Although it was late filed, the court finds good cause to consider and has read the Statement of Issues and Contentions filed by Minor's Counsel. The court adopts the recommendations as its order. Respondent shall continue to have supervised visitation with the minor. The court authorizes the minor's therapist, Jana Wellman to provide supervision. On weeks when Ms. Wellman is unable to provide supervision, Respondent shall continue to have supervised in person visitation at the visitation center. If Respondent is unable to have supervised in person visitation, Zoom visitation is authorized. The court sets a further review hearing on May 25, 2023 at 1:30 pm to review a further update on the progress of Respondent's visitation with the minor.

All prior orders not in conflict with this order remain in full force and effect. Minor's Counsel shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #17: RESPONDENT SHALL CONTINUE TO HAVE SUPERVISED VISITATION WITH THE MINOR. THE COURT AUTHORIZES THE MINOR'S THERAPIST, JANA WELLMAN TO PROVIDE SUPERVISION. ON WEEKS WHEN MS. WELLMAN IS UNABLE TO PROVIDE SUPERVISION, RESPONDENT SHALL CONTINUE TO HAVE SUPERVISED IN PERSON VISITATION AT THE VISITATION CENTER. IF RESPONDENT IS UNABLE TO HAVE SUPERVISED IN PERSON VISITATION, ZOOM VISITATION IS AUTHORIZED. THE COURT SETS A FURTHER REVIEW HEARING ON MAY 25, 2023 AT 1:30 PM TO REVIEW A FURTHER UPDATE ON THE PROGRESS OF RESPONDENT'S VISITATION WITH THE MINOR. PARTIES ARE TO FILE SUPPLEMENTAL DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. MINOR'S COUNSEL SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

18. LAWRENCE WOOD V. JENNIFER WOOD

22FL0792

Respondent filed a Request for Order (RFO) on February 9, 2023, requesting the court change child custody and parenting time orders as well as vacate the Domestic Violence Restraining Order and vacate the appointment of Minor's Counsel. Petitioner was served by mail on February 14, 2023. Minor's Counsel was served by mail on March 6, 2023.

Respondent asserts the court errored when making custody and parenting orders on January 12, 2023. Respondent asserts she has been deprived of a fair opportunity to be heard in these proceedings. Respondent also asserts in her declaration that the minor should not be included in the Domestic Violence Restraining Order. Respondent requests the court vacate all prior orders including the appointment of Minor's Counsel. Respondent has set forth a multitude of grounds for each request in her declaration.

Neither Petitioner nor Minor's Counsel have filed a Responsive Declaration for this hearing. The court notes this matter was previously on calendar on April 6, 2023 for review of the custody and parenting time orders, including review of a Child Custody Recommending Counseling report and for a Domestic Violence Restraining Order hearing. The court issued a tentative ruling on the issues in its normal course. No one requested oral argument on the custody and parenting time orders. Parties were ordered to appear for the Domestic Violence Restraining Order hearing. Both Petitioner and Minor's Counsel appeared. Respondent, however, did not appear for the hearing, and therefore, the court proceeded in her absence as she had been properly noticed of the proceedings.

The court denies Respondent's request to modify the current orders for custody and parenting time. The court finds the current orders remain in the best interest of the minor and Respondent has failed to set forth any grounds upon which the court could or should change the current orders. The court denies Respondent request to modify the Domestic Violence Restraining Order. Respondent had an opportunity to be heard on the request for the Restraining Order on April 6, 2023. Respondent was properly noticed of the date and time of the hearing. Respondent did not appear for the hearing. Respondent has failed to set forth any ground in her declaration upon which the Restraining Order should be vacated. The request is denied. The court denies Respondent's request to vacate the appointment of Minor's Counsel. Respondent has failed to articulate any ground upon which Minor's Counsel should be relived.

Further, the court finds this is akin to a motion for reconsideration. Respondent has failed to set forth and new or different facts or law which would allow the court to grant a motion for reconsideration. Respondent disagreeing with the court's orders is not grounds for reconsideration. Respondent had an opportunity to appear at court hearings throughout the pendency of this case and has actively chosen not to do so. Respondent has not provided any new or different facts or law that were not available to her at the time of the hearing.

Therefore, the court declines to reconsider either the January 12, 2023 or the April 6, 203 rulings.

All prior orders remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #18: THE COURT DENIES RESPONDENT'S REQUEST TO MODIFY THE CURRENT ORDERS FOR CUSTODY AND PARENTING TIME. THE COURT FINDS THE CURRENT ORDERS REMAIN IN THE BEST INTEREST OF THE MINOR AND RESPONDENT HAS FAILED TO SET FORTH ANY GROUNDS UPON WHICH THE COURT COULD OR SHOULD CHANGE THE CURRENT ORDERS. THE COURT DENIES RESPONDENT REQUEST TO MODIFY THE DOMESTIC VIOLENCE RESTRAINING ORDER. RESPONDENT HAD AN OPPORTUNITY TO BE HEARD ON THE REQUEST FOR THE RESTRAINING ORDER ON APRIL 6, 2023. RESPONDENT WAS PROPERLY NOTICED OF THE DATE AND TIME OF THE HEARING. RESPONDENT DID NOT APPEAR FOR THE HEARING. RESPONDENT HAS FAILED TO SET FORTH ANY GROUND IN HER DECLARATION UPON WHICH THE RESTRAINING ORDER SHOULD BE VACATED. THE REQUEST IS DENIED. THE COURT DENIES RESPONDENT'S REQUEST TO VACATE THE APPOINTMENT OF MINOR'S COUNSEL. RESPONDENT HAS FAILED TO ARTICULATE ANY GROUND UPON WHICH MINOR'S COUNSEL SHOULD BE RELIVED. FURTHER, THE COURT FINDS THIS IS AKIN TO A MOTION FOR RECONSIDERATION. RESPONDENT HAS FAILED TO SET FORTH AND NEW OR DIFFERENT FACTS OR LAW WHICH WOULD ALLOW THE COURT TO GRANT A MOTION FOR RECONSIDERATION. RESPONDENT DISAGREEING WITH THE COURT'S ORDERS IS NOT GROUNDS FOR RECONSIDERATION. RESPONDENT HAD AN OPPORTUNITY TO APPEAR AT COURT HEARINGS THROUGHOUT THE PENDENCY OF THIS CASE AND HAS ACTIVELY CHOSEN NOT TO DO SO. RESPONDENT HAS NOT PROVIDED ANY NEW OR DIFFERENT FACTS OR LAW THAT WERE NOT AVAILABLE TO HER AT THE TIME OF THE HEARING. THEREFORE, THE COURT DECLINES TO RECONSIDER EITHER THE JANUARY 12, 2023 OR THE APRIL 6, 203 RULINGS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

19. MICHAEL LOBATO V. MONIQUE LOBATO

PFL20190227

Respondent filed a Request for Order (RFO) on February 9, 2023, requesting the court set aside the default Judgment. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served with the RFO.

The court drops the matter from calendar due to the lack of proper service.

TENTATIVE RULING #19: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

20. SETH JONES V. ANASTACIA WATERHOUSE

22FL1023

Petitioner filed an ex parte request for emergency orders on October 25, 2022, requesting temporary sole physical custody of the minor. The court denied the request on November 1, 2022 due to lack of notice to Respondent. On November 1, 2022, Petitioner filed a Request for Order (RFO) requesting the court make orders as to child custody and parenting time. The parties were referred to Child Custody Recommending Counseling for an appointment on November 18, 2022 and a review hearing on January 12, 2023. Respondent was personally served on November 4, 2022.

Petitioner is requesting the court grant him sole legal and physical custody of the minor. Petitioner asserts Respondent is not currently an appropriate caregiver for the minor due to her lack of housing, mental health, and substance abuse issues.

Only Petitioner appeared for the CCRC appointment on November 18, 2022. As such, a single parent report was filed on November 18, 2022 and mailed to the parties on the same day.

Respondent did not file a Responsive Declaration.

On January 12, 2023, the court adopted its tentative ruling, granting Petitioner's requests for temporary sole legal and physical custody of the minor, as the court found them to be in the best interest of the minor. The court ordered Respondent to have professionally supervised visitation two times per week for two hours each, with Respondent to be responsible for the cost of visitation. The court set a review hearing for April 13, 2023 to reassess the custody and parenting time orders.

Neither party has filed a Supplemental Declaration.

The court orders parties to appear to provide the court with an update.

TENTATIVE RULING #20: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

21. SOPHIE HURST V. DANIEL DURBIN

23FL0080

Petitioner filed a Petition to Establish a Paternal Relationship on January 27, 2023. There is no Proof of Service Respondent was served with the Summons or Petition.

Nevertheless, Respondent filed a Response on March 24, 2023. Proof of Service indicates Petitioner was served with the Response by mail on March 23, 2023. Respondent acknowledges in the Response that parentage has been determined by a voluntary declaration of paternity.

The court, therefore, finds Respondent is the parent of the minor child and orders Petitioner to file the Judgment of Paternity.

Petitioner filed a Request for Order (RFO) on January 27, 2023, requesting the court makes orders as to custody, parenting time, and child support. Petitioner concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 23, 2023 and a review hearing on April 13, 2023. Respondent was personally served all the necessary documents on January 31, 2023. Petitioner is seeking sole legal and physical custody of the minor. Petitioner is requesting Respondent's parenting time be supervised, as Petitioner asserts Respondent has substance abuse issues. Petitioner is seeking guideline child support.

Both parties attended CCRC on February 27, 2023 and reached a full agreement. A copy of the report was filed with the court on March 6, 2023. A copy was mailed to the parties on March 9, 2023.

Respondent filed a Responsive Declaration and Income and Expense Declaration on March 23, 2023. Petitioner was served by mail on March 23, 2023. Respondent requests joint legal and physical custody of the minor. Respondent is requesting modifications to the agreements reached in CCRC. Respondent requests the court order guideline child support. Respondent requests the court impute Petitioner with minimum wage income. Respondent does not set forth any grounds for why Petitioner should be imputed with income. Respondent requests the parties share equally in any uninsured healthcare costs and work related childcare costs for the minor.

The court finds it requires additional information prior to being able to issue orders. Therefore, parties are ordered to appear for the hearing.

TENTATIVE RULING #21: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.